

ASSEMBLY BILL

No. 329

Introduced by Assembly Member Parra

February 7, 2003

An act to add Sections 14901.5, 14925.5, 14931.5, 15058, 15058.2, 15058.5, 15058.7, 15058.8, 15058.9, 15059, 15059.5, 15059.6, 15059.7, 15059.8, 15059, 15059.5, 15059.6, 15059.7, and 15059.8 to the Food and Agricultural Code, relating to animal nutrition, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 329, as introduced, Parra. Animal nutritionist licensing.

Existing law declares that it is the intent of the Legislature to enable the feed and feeding industry to ensure in every way possible a clean and wholesome supply of meat, milk, and eggs for the benefit of the consumer, and to, pursuant to regulations or procedures adopted or established by the Secretary of the Department of Food and Agriculture, implement and maintain an efficient program of inspection and analysis of commercial feed. Existing law provides that the secretary shall establish, by regulation, such good manufacturing practices as he or she determines are reasonably necessary to carry out these purposes.

This bill would state legislative findings and declarations concerning the importance of person providing nutrition consulting services to the commercial feed and feeding industry. This bill would establish a licensure program for animal nutritionists and authorize the secretary to adopt regulations to implement the program. This bill would define animal nutritionists as persons who have completed a specified curriculum of scientific course work, as specified. This bill would also create the Animal Nutritionist Licensing Advisory Committee,

appointed by the secretary, to work in conjunction with the department to develop a qualifying examination, as specified. This bill would provide, in order to maintain licensure as an animal nutritionist, 16 hours of continuing education would be required, annually. This bill would provide that it would be a misdemeanor for a licensed animal nutritionist to make any recommendation that is contrary to any provision of existing law or any regulation concerning animal feed. Additionally, such a recommendation would be cause for revocation of his or her license. Because this bill would create a new crime, it would impose a state-mandated local program. Because this bill would impose fees that would be deposited into the Department of Food and Agriculture Fund, a continuously appropriated fund, this bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14901.5 is added to the Food and
2 Agricultural Code, to read:

3 14901.5. The Legislature hereby finds and declares that
4 persons providing nutrition consulting services to the commercial
5 feed and feeding industry are important and that their
6 recommendations impact animal health and the quality of the
7 meat, milk, and eggs that reach California consumers.

8 SEC. 2. Section 14925.5 is added to the Food and Agricultural
9 Code, to read:

10 14925.5. “Consultant-formula feed” means feed
11 manufactured for a consumer-buyer based upon formula or
12 specifications developed for the consumer-buyer by an
13 independent consultant or licensed animal nutritionist.

14 SEC. 3. Section 14931.5 is added to the Food and Agricultural
15 Code, to read:



1 14931.5. "Licensed animal nutritionist" means any person
2 who has satisfactorily completed an accredited four-year
3 university curriculum in animal, dairy, veterinary, or a related
4 science, has exhibited competence in the specialty, secured and
5 provided to the department a certificate of errors and omissions,
6 insurance coverage in the amount of _____ dollars (\$____) or
7 more, and has been issued a license by the department to practice
8 animal nutrition in California.

9 SEC. 4. Section 15058 is added to the Food and Agricultural
10 Code, to read:

11 15058. The department may issue a license to animal
12 nutritionists as defined in Section 14931.5 who meet the
13 qualifications for licensing specified in this chapter. The license
14 shall expire one year after the date on which it was issued. The
15 license shall be the property of the state and the department may
16 suspend or revoke the license if the department determines that the
17 individual holding the license no longer meets the qualifications
18 for animal nutrition licensing.

19 SEC. 5. Section 15058.2 is added to the Food and Agricultural
20 Code, to read:

21 15058.2. By _____, the department shall, with the assistance of
22 the Animal Nutritionist Licensing Advisory Committee, develop
23 an examination that shall qualify individuals who desire to become
24 licensed animal nutritionists. The examination shall be updated
25 periodically to reflect current technology and practice in use in the
26 feed and feeding industry. The examination shall be reviewed at
27 least every three years. The department shall administer the
28 examination or designate accredited universities or professional
29 animal nutrition organizations to do so under the supervision of the
30 department. The department shall begin administering the animal
31 nutritionist examination by _____. The scheduling of the
32 examination shall be at the discretion of the department. The
33 department may impose a fee to cover the cost of the examination.

34 SEC. 6. Section 15085.5 is added to the Food and Agricultural
35 Code, to read:

36 15085.5. Any individual described below may be issued an
37 animal nutritionist license by the department:

38 (a) An individual who has provided evidence that they hold a
39 ruminant nutritionist registration or certification from the

1 American Registry of Professional Animal Scientists and satisfied
2 the educational requirements specified in Section 14931.5.

3 (b) An individual who does not hold a ruminant nutritionist
4 registration or certification from the American Registry of
5 Professional Animal Scientists but who has provided evidence that
6 they have satisfied the educational requirements specified in
7 Section 14931.5 and has passed the qualifying examination
8 administered by the department pursuant to Section 15058.2.

9 (c) An individual who does not meet the educational
10 requirements specified in Section 14931.5 but who is currently
11 practicing animal nutrition in California provided that he or she
12 petitioned for, and was granted, an exemption from the educational
13 requirements by the department prior to taking and passing the
14 qualifying examination administered pursuant to Section 15058.2.

15 SEC. 7. Section 15058.7 is added to the Food and Agricultural
16 Code, to read:

17 15058.7. The secretary may adopt regulations to implement
18 the animal nutritionist licensing program described in this chapter.

19 SEC. 8. Section 15058.8 is added to the Food and Agricultural
20 Code, to read:

21 15058.8. (a) The secretary shall appoint an Animal
22 Nutritionist Licensing Advisory Committee composed of licensed
23 animal nutritionists to assist in the implementation of the animal
24 nutritionist licensing program. The secretary may also appoint
25 alternates for each of the members. Committee members shall
26 serve for a term of three years and may serve only two consecutive
27 terms.

28 (b) The Animal Nutritionist Licensing Advisory Committee
29 shall do all of the following:

30 (1) Assist the department in implementing the animal
31 nutritionist licensing program described in this chapter.

32 (2) Assist the department in developing the animal nutritionist
33 qualifying examination pursuant to Section 15058.2.

34 (3) Assist the department in reviewing the evidence of
35 satisfaction of educational requirements submitted by individuals
36 who desire to become licensed animal nutritionists.

37 (4) Assist the department in reviewing the petitions for
38 exemption from the educational requirements specified in Section
39 14931.5 of individuals who are currently practicing animal



1 nutrition in California and who desire to become licensed animal
2 nutritionists.

3 (5) Assist the department in promulgating any regulations
4 necessary to implement the animal nutritionist licensing program
5 described in this chapter.

6 SEC. 9. Section 15058.9 is added to the Food and Agricultural
7 Code, to read:

8 15058.9. Animal nutritionist licenses shall only be granted to
9 persons who make formal application to the department to become
10 a licensed animal nutritionist, who meet qualifications specified in
11 this chapter, and who pay an annual license fee of ____ dollars
12 (\$____). The department shall develop an animal nutritionist
13 license application form and a form for petitioning the department
14 as provided in subdivision (c) of Section 15085.5. Licensed animal
15 nutritionists who fail to remit the annual license fee to the
16 department within 90 days of its expiration shall have their
17 licenses suspended or revoked, but the license may be reinstated
18 upon payment of the license fee and an additional late fee which
19 shall be 10 percent of the license fee.

20 SEC. 10. Section 15059 is added to the Food and Agricultural
21 Code, to read:

22 15059. The department shall issue an animal nutritionist
23 license to those individuals who have applied to the department to
24 become a licensed animal nutritionist and who have met the
25 qualifications specified in this chapter within 90 days their
26 application. No animal nutritionist licenses shall be issued by the
27 department until and unless the department has developed and
28 begun administering the animal nutritionist license qualifying
29 examination pursuant to Section 15058.2.

30 SEC. 11. Section 15059.5 is added to the Food and
31 Agricultural Code, to read:

32 15059.5. Beginning on ____ no individual shall be issued an
33 animal nutritionist license unless they hold a B.S., M.S., Ph.D., or
34 DVM in animal, dairy, veterinary, or a related science and who
35 have passed the animal nutritionist qualifying examination.
36 Individuals holding a B.S., M.S., Ph.D., or DVM in animal, dairy,
37 veterinary, or a related science may receive a provisional license
38 for one year pending their passage of the qualifying examination
39 administered by the department pursuant to Section 15058.2.

1 SEC. 12. Section 15059.6 is added to the Food and
2 Agricultural Code, to read:

3 15059.6. In order to maintain licensure as an animal
4 nutritionist by the department, licensed individuals must complete
5 16 hours of continuing education course work approved by the
6 department, each year. A licensed individual must submit
7 evidence of completion of continuing education course work to the
8 department within 90 days of the expiration of their license,
9 annually. If the continuing education requirement is not met, the
10 license shall be suspended or revoked until the requirement is
11 satisfied and evidence of satisfaction has been submitted to the
12 department. An individual whose license has been revoked may
13 reapply for licensure and be issued a license if he or she meets all
14 of the educational requirements specified in this chapter and has
15 passed the animal nutritionist license qualifying examination
16 administered by the department pursuant to Section 15058.2.

17 SEC. 13. Section 15059.7 is added to the Food and
18 Agricultural Code, to read:

19 15059.7. A licensed animal nutritionist shall not make any
20 recommendation that is contrary to any provision of this chapter
21 or any regulation adopted pursuant to it. A contrary
22 recommendation shall be a violation of this chapter, punishable as
23 provided in Section 15071 and shall be cause for revocation of the
24 animal nutritionist's license.

25 SEC. 14. Section 15059.8 is added to the Food and
26 Agricultural Code, to read:

27 15059.8. No person shall call himself or herself a "licensed
28 animal nutritionist" unless he or she is licensed pursuant to the
29 provisions of this chapter. A violation of this section is a crime
30 punishable as provided in Section 15071 and is also subject to
31 imposition of civil penalties pursuant to Section 15071.5.

32 SEC. 15. No reimbursement is required by this act pursuant
33 to Section 6 of Article XIII B of the California Constitution
34 because the only costs that may be incurred by a local agency or
35 school district will be incurred because this act creates a new crime
36 or infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a



- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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